

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

ROBERT BLUE,

Plaintiff,

v.

HOWARD SKOLNIK, *et al.*,

Defendants.

3:11-cv-00010-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#123¹) entered on August 21, 2013, recommending granting in part and denying in part Defendants' Motion for Summary Judgment (#89) filed on January 14, 2013. Plaintiff filed his Objection to Report and Recommendation of U.S. Magistrate Judge (#129) on September 11, 2013, and Defendants filed their Objections to the Report and Recommendation of the United States Magistrate Judge (#128) on September 4, 2013. Defendants also filed their Response to Plaintiff's Objections to the Report and Recommendation of the U.S. Magistrate Judge (#130) on September 23, 2013. Plaintiff did not file a response to Defendants' objections. This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

¹Refers to court's docket number.

1 The Court has conducted its *de novo* review in this case, has fully considered the objections of
2 the parties, Defendants' response, the pleadings and memoranda of the parties and other relevant
3 matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court
4 determines that the Magistrate Judge's Report and Recommendation (#123) entered on August 21,
5 2013, should be adopted and accepted.

6 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation
7 (#123) entered on August 21, 2013, is adopted and accepted, and Defendants' Motion for Summary
8 Judgment (#89) is **GRANTED in part and DENIED in part** as follows:

- 9 1. Defendants' Motion for Summary Judgment is DENIED as to Plaintiff's claims in counts
10 I and II;
- 11 2. Defendants' Motion for Summary Judgment is DENIED as to Plaintiff's claims in counts
12 III, IV, VII and VIII;
- 13 3. Defendants' Motion for Summary Judgment is DENIED as moot as to Plaintiff's alleged
14 claim that the CKM is nutritionally insufficient;
- 15 4. Defendants' Motion for Summary Judgment is DENIED as to Plaintiff's claims for
16 injunctive relief;
- 17 5. Defendants' Motion for Summary Judgment is GRANTED as to Plaintiff's claims against
18 Defendant Skolnik, and counts IX and X are DISMISSED from this action with prejudice;
- 19 6. Defendants' Motion for Summary Judgment is GRANTED as to Plaintiff's RLUIPA claims
20 for monetary damages; and
- 21 7. Defendants' Motion for Summary Judgment is GRANTED as to Plaintiff's claims for
22 monetary damages against Defendants in their official capacities.

23 IT IS SO ORDERED.

24 DATED this 30th day of September, 2013.



25
26 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE